

## REMARKS

Claims 19-47 are pending in this application. It is noted with appreciation that claims 37-44 have been deemed to be allowable.

5        Claims 19-21, 29-31, 46, and 47 have been rejected under 35 U.S.C. 103(a) as obvious over Woodbridge et al. (US patent 6,020,653) in view of Carroll (US patent 6,229,225) and ordinary skill in the art; claim 32 has been rejected on the same ground, citing the same art, further in view of Last et al. (US patent 3,696,251); claims 28 and 45 have been rejected on the same ground, citing the same art “as applied to claim 1” (sic) [claim 19], further in view of Taylor (US patent 4,434,375); and claims 22-27 and 33-36 have been rejected on the same  
10        ground, citing the same art “as applied in claim 1” (sic) [claim 19], further in view of even more ordinary skill in the art.

Applicants respectfully traverse all of these rejections.

Applicants do not contend to have invented a wave-driven linear generator with spring means to counteract the force of the hull. See the Background section of the present application  
15        where Woodbridge is discussed, commencing at line 23, on page 3. However, Applicants assert that the prescribed force factor within the defined amplitude percentage is neither obvious nor involves merely routine skill. The value given is not merely the result of finding or discovering an optimum value. To the contrary, determining a certain value for the force field is based on identifying a problem that has not previously been recognized and is not suggested or alluded to  
20        in the cited prior art. Applicants have determined how to solve this specific problem. Thus, the reference to *In re Boesch* is inapposite.

The Examiner has no basis for determining that the amplitude percentage and the force factor are simple routine application of common knowledge of the person of ordinary skill in the applicable art. The only way one would take the teachings of Woodbridge and Carroll, and  
25        modify them to arrive at the invention defined in claim 19, is by the use of hindsight, which is impermissible. Applicant hereby traverses this assertion by the Examiner in accordance with MPEP 2144.03.

Similarly, Applicants hereby traverse the rejection of claims 22-27 and 33-36 on the partial ground of an additional unsupported ordinary skill in the art, also requesting evidence  
30        under MPEP 2144.03.

By way of further explanation, and adding to and strengthening Applicants' argument, it is important to understand that none of the cited references recognizes that defining a force factor, as defined in the present claims, is significant for the performance of a generator of this kind. No known prior art in this technical field has recognized that a variable spring force causes the conversion to electrical energy to be affected non-uniformly, having negative results for the energy conversion. Consequently, there is nothing in the prior art that would provide any insight as to how to remedy this shortcoming. Applicants have determined how to address this previously unrecognized limitation in wave power apparatus performance, namely, to limit the variation in the spring force to a predetermined value. Since the force factor is included in Applicant's claims, and the subject is not addressed nor even suggested in the cited prior art, by definition, Applicant's claims cannot be obvious from any reading of the prior art.

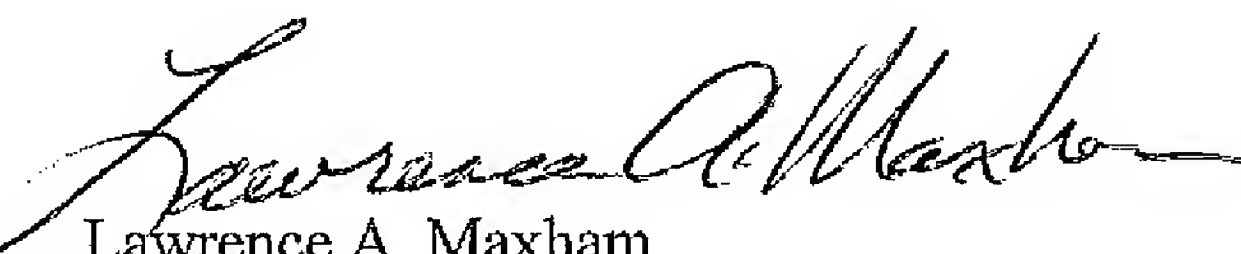
### CONCLUSION

It is submitted that the claims in this application all define patentable invention over the prior art and reconsideration is requested. Should any issues remain unresolved, Mr. Gonzalez is invited to telephone the undersigned attorney.

Respectfully submitted,

MATS LEIJON et al.

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By:   
Lawrence A. Maxham  
Attorney for Applicant  
Registration No. 24,483

THE MAXHAM FIRM  
9330 Scranton Road, Suite 350  
San Diego, CA 92121  
(858) 587-7659 Telephone  
(858) 587-7658 Facsimile